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SW-31 000004

DEC 08 1981

Mr. Charles Kummer
Kummer Sanitary Landfill
Rural Route #6, Box 135
Bemidji, Minnesota 56601

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 492230

Dear Mr. Kummer:

Re: Solid Waste Disposal Facility, SW-31

This letter shall serve to confirm the understandings and agreements arrived at during the meeting of November 18, 1981, between you, as permittee of the Kummer Sanitary Landfill, and Minnesota Pollution Control Agency (MPCA) regional and central office staff. The discussion at this meeting focused upon the existing Stipulation Agreement between you and the MPCA dated December 18, 1979, and your present noncompliance with several terms of this Agreement. In order to resolve this existing non-compliance, your attention to the terms of this agreement is required at this time.

Compliance with all aspects of Minn. Rule SW-6(2) pertaining to operating practices at the landfill facility, as outlined in Part B. of the Stipulation Agreement, must be maintained. Specific aspects of Part B. discussed are as follows:

- (1) Equipment Maintenance. Equipment breakdowns at this facility have routinely resulted in operational deficiencies for considerable periods of time. In the future, if your own equipment breaks down you are required to provide, in a timely, manner backup equipment which will adequately maintain the ongoing daily operation, as well as the continuance of intermediate and final covering, sloping, grading, etc.
- (2) Completion of Subphases I and II of the Phase I area, as shown on Figure 4 of the September 19, 1981 hydrologic and operational report prepared by Gerald Sunde, is required by December 15, 1981. Completion by this date shall include

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placement of any necessary intermediate and the required final cover which shall total at least two (2) feet, the top six (6) inches of which shall consist of organic soils taken from the northern borrow area referenced by Figure 3 of the Sunde report. Proper grading and contouring of this area shall also be accomplished. Seeding of these areas must occur next spring as soon as the weather allows.

- (3) Placement of three-four grade stakes to delineate final elevation for the Subphase III area of Phase I must occur before filling activity begins in this area.
- (4) An adequate supply of available cover material shall be provided at all times to facilitate operation in compliance with existing requirements. It was understood by MPCA staff at the meeting that a cover material stockpile(s) sufficient to provide Agency cover requirements for a minimum period of one (1) month shall be maintained. As this stockpile is utilized it should be continuously replenished, and in the event of an equipment breakdown which results in utilization of a large portion or all of the stockpile(s) replenishment of the stockpile(s) shall begin immediately upon equipment repair.
- (5) Proper access control to the facility must be provided. As discussed, the back gate of the facility has remained open the majority of the time in recent months. Control of the access at this back gate as well as the front gate is required unless a specific exemption is granted by the MPCA. It is the understanding of Agency staff that you will submit a written request for such an exemption.
- (6) It was the understanding of Agency staff during the meeting that litter on and around the facility will be picked at least once each week by landfill staff, and that a more extensive picking of area litter will be done twice each year by a larger group of individuals.
- (7) As agreed to during the meeting, site screening which results in an effective visual barrier will be provided by June 21, 1982, along the south boundary of the facility and along the west boundary of the facility up to the existing trees on neighboring property. A properly maintained snow fence on top of the existing berms shall be considered as an adequate visual barrier by the Agency.

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- (8) The area formerly utilized as a separate demolition debris disposal area shall receive final cover and be properly graded and sloped immediately, if this has not yet been accomplished. It is the understanding of Agency staff that all demolition-construction debris will heretofore be disposed of in the putrescible waste working face.
- (9) The maintenance of a separate severe weather trench near the site entrance is acceptable to the MPCA. However, this area is to be used only during isolated days when access to the regular working face is not possible.
- (10) Ground water monitoring at this facility must be resumed and continue as discussed at the meeting. At least three (3) monthly samples are required from wells A through I as shown on Figure 2 of the Sunde report. When the analyses of three (3) months of data is received by this Agency for these wells, quarterly sampling should resume and continue to be conducted each year. Your request to eliminate Well D, the shop well, from the monitoring program will be considered by Agency staff upon receipt of a written request for such an exemption from you. This written request should be submitted to the Agency by January 1, 1982. Samples from the wells at the T.V. station and the trailer court park to the east should be collected each spring. These results and all the second quarter sample results are due to the Agency by July 30, 1982. All samples should be analyzed for chemical oxygen demand, pH, chlorides, ammonia and specific conductance as outlined in Part B.1.s. of the Stipulation Agreement.

It is expected that compliance with aspects of Minn. Rule SW-6(2) not specifically referenced in this letter, but which are referenced in Part B. of the Stipulation Agreement will occur. As required by certified letter to you from Agency Executive Director, Louis J. Breimhurst, dated October 19, 1981, and as discussed with you during this meeting, you are requested to submit a monetary penalty totaling Three Hundred Dollars (\$300.00) payable to the Treasurer of the State of Minnesota. These monetary penalties are for recurring violations of the Stipulation Agreement and are pursuant to Section B.7. (liquidated damages) of the Agreement. These monies are due December 3, 1981, as agreed to during the meeting. Please be informed that the MPCA staff is prepared to enforce this section of the Stipulation Agreement and will continue to require liquidated damages in the sum of One Hundred Dollars (\$100.00) for each future violation of the Stipulation Agreement until reasonable compliance is demonstrated and maintained.

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Section B.5. of the Stipulation Agreement requires you as permittee to post a performance bond in the sum of Five Thousand Dollars (\$5,000.00) with the MPCA to be utilized by the Agency for post-closure maintenance of cover and vegetation, and monitoring of ground water quality at and near this landfill facility. As discussed with you during the meeting, the existing performance bond will expire on January 31, 1982. Renewal of the bond will be required at that time.

One final issue discussed at the meeting pertains to the question of whether or not coal fly ash from the Bemidji State University power plant may be disposed of at this landfill facility. Agency staff are currently reviewing the characteristics of this waste. Based upon a determination of whether or not this waste is hazardous according to the established standards you will be informed whether disposal will or will not be allowed at this landfill, as well as any specific disposal practices which may be required for this waste. The Agency will also inform Bemidji State University of the decisions and requirements which are implemented. As previously indicated in past correspondence, continued storage of this waste at the facility is allowed but disposal must not occur until a decision as described above is rendered.

Compliance with the terms of the existing Stipulation Agreement as described in this letter is required and will be appreciated. As indicated to you during the meeting, Agency staff are prepared to escalate this matter further if it is determined that reasonable compliance is not forthcoming. If it is your opinion that any of the points discussed in this letter are in contradiction with understandings arrived at during the November 18, 1981 meeting, please indicate these concerns in writing to this office by January 1, 1982.

Sincerely,



Gordon W. Meyer, Chief
Regulatory Compliance Section
Solid and Hazardous Waste Division

JRH.

12-2-81

GWM/JRH/sf

cc: William Patnaude, Beltrami County Solid Waste Officer
Willis Mattison, Regional Director, Detroit Lakes, MPCA

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